IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1668 OF 2004

Mohan Shripad Phadnis .. Petitioner

Versus

The State of Maharashtra .. Respondents.

Shri A.P.Namjoshi i/b. amit Date & Anil Galgali for petitioner

Mr.D.R.More, A.P.P. for State.

CORAM : A.M.KHANWILKAR, J.

DATE : SEPTEMBER 15, 2004.

P.C.

1. The order impugned in this petition is dated 4th September 2001. Whereas, this eptition

is filed on 17th August 2004. I am not inclined to interfere at this distance of time because of latches. To get over this position, the learned Counsel for the petitioner has brought to my notice the averments made in the petition in para 13. The fact remains that the earlier petition filed by the petitioner has been dismissed for default and has not been restored later on, inspite of application made for that purpose. If it is so, it is not possible to entertain this petition, which is substantive petition claiming same reliefs. Hence dismissed.

2. At this stage Counsel for the petitioner seeks liberty to withdraw this petition by keeping all the questions raised in the writ petition open. Accordingly the petition is dismissed as withdrawn. All questions are left open to be agitated before the trial court.

*****